

III. REMARKS

Claims 1-20 are pending and stand rejected.

A. Specification

The Patent Examiner objected to the specification because there is no Summary section. Applications respectfully traverse.

Applicants position was stated in their prior office action response, incorporated herein by reference. Nonetheless, given the Patent Examiner's continued insistence, a Summary has been added. No new matter is added.

Other minor typographical errors have been corrected. No new matter is added.

B. Changes to the claims

Claims 1, 5, 8, 10, and 12 were amended.

Claim 1 was amended to more specifically claim the authority table's raw data and relation structure. Support is found, e.g., in [0027], [0028], and [0044]. No new matter was added.

Claims 5 and 8 were amended to make the claim language conform to claim 1. Support is found e.g., in the same paragraphs cited above. No new matter was added.

Claim 10 was amended to more clearly point out that it is the user computer software which allows the user to submit the query. *See, e.g.,* paragraphs [0057] and Figure 5-6. No new matter was added.

Claim 12 was amended to make the claim language conform to claim 1. Support is found e.g., in the same paragraphs cited above. No new matter was added.

C. Rejections under 35 U.S.C. §112 ¶ 1

The Patent Examiner rejected claims 1-20 under 35 U.S.C. §112, ¶ 1. Applicants respectfully traverse.

As the Federal Circuit noted long ago: “Specifications teach. Claims claim.” *Id.* at 1121 n.14. Accordingly, an applicant is not required to describe in the specification every conceivable and possible future embodiment of his invention. *SRI Int’l v. Matsushita Elec. Corp. of America*, 775 F.2d 1107, 1121 (Fed. Cir. 1985) (en banc). Moreover, a patent applicant need not include in the specification that which is already known to and available to the public. *Paperless Accounting, Inc. v. Bay Area Rapid Transit System*, 804 F.2d 659 (Fed. Cir. 1986); *In re Howarth*, 654 F.2d 103, 105 (CCPA 1981). In fact, the specification is not required to teach every detail of the invention or to be a production specification because, in part, there is a statutory mandate of conciseness. 35 U.S.C. § 112, ¶ 1 (“The specification shall contain a written description ... in ... concise, and exact terms”) The Federal Circuit has admonished against including in the specification material that is known in the art. *Spectra-Physics, Inc. v. Coherent, Inc.*, 827 F.2d 1524, 1534 (Fed. Cir. 1987) (“A patent need not teach, and preferably omits, what is well known in the art.”); *Howarth*, 654 F.2d at 105 (“An inventor need not, however, explain every detail since he is speaking to those skilled in the art.”); *In re Gay*, 309 F.2d 769, 774 (CCPA 1962) (“Not every last detail is to be described, else patent specifications would turn into production specifications, which they were never intended to be.”). Requiring inventors to include every imaginable detail of a structure corresponding to a claimed means, including those widely understood by persons of ordinary skill in the art, would be the antithesis of conciseness and would result in exceedingly lengthy patents. *Atmel Corporation v. Information Storage Devices, Inc.*, 198 F.3d 1374 (Fed. Cir. 2001).

Therefore, the test for sufficiency of support in an application is whether the disclosure of the application relied upon “reasonably conveys to the artisan that the inventor had possession at that time of the later claimed subject matter.” *Ralston Purina Company v. Far-Mar-Co, Inc.*, 772 F.2d 1570 (Fed. Cir. 1985).

The Patent Examiner asserts that the specification does not contain a full, clear and concise description of the process of relating the authority table to the taxonomy table with respect to claims 1 and 12. (Office Action, page 3) Applicants respectfully traverse.

Applicants respectfully note that the specification teaches the use of databases, that it was well known in the art for databases to comprise tables, and that the process of relating tables to each other was well-known in the art. For example, United States Patent 5,761,496 teaches “However, the record 300 in the database 160 can be identified simply by using only the first key (primary key) of the record 300 as the indication information of relation data or non-relation data and storing it in the relevance database 150 (for example, by creating a separate file).” Therefore, it was well known by the application date of the instant inventions to associate tables to each other in a database using keys, i.e. fields or combinations of fields. One of ordinary skill in the art would certainly know that all tables can be related to one or more other tables, e.g. summary tables to authority and taxonomy tables, using key fields. *See, e.g.*, the figures that are part of the current application. Methods of relating tables, including the term “one-to-many,” were well known in the art at the time of filing of the current application. *See, e.g.*, <http://www.campus.ncl.ac.uk/databases/design/design.html> (original copyright 1997)

Importantly, the specification and figures describe such processes and structures. Paragraph [0044] describes that “User summary table 12b may be part of user portion 300 and contains an element for each item of information the user desires to link to at least one element in

user taxonomy table 12a.” Paragraph [0028] teaches that “In the preferred embodiment, each entry in each authority table 22a, described herein as an ‘authority,’ will have a unique identifier such as a primary key value.” In an embodiment, paragraph [0044] teaches “One currently envisioned method of relating user summary table 12b to authority table 22a is to use an intermediate table such as user knowledge table 12e which relates one element in authority table 22a to one element in user summary table 12b, although one-to-many relationships may be defined in this or other manners as well.” Paragraph [0047] teaches “Linkage between backend portion 200 and user portion 300 may be by a unique key identifier such as to a unique authority table key value.” Applicants respectfully point out that taxonomy table 12a is part of user portion 300 and authority table 22b is part of backend portion 300. (Fig. 2)

Claim 1 and claim 12 have been amended to more distinctly point out that eachm of these tables comprise key fields used to relate the tables. As seen in the preceding paragraph, no new matter has been added. Accordingly, the specification as originally submitted is enabling and clear.

Thus, the specification and figures as filed teach, to one of ordinary skill in the art, that there are many ways to relate the various tables, including use of primary keys, intermediate tables, one-to-many keys, and the like.

D. Art Rejections

The Patent Examiner further asserts that claims 12-14 and 16-20 are rejected under 35 U.S.C. §112 ¶ 1 but provides no detailed art rejection and “notes” that “applicant (sic) states that the elements of above claims are well known and expected in the art and would have been obvious to the ordinarily skilled artisan.” (Office Action page 3) Applicants respectfully traverse.

The Patent Examiner asserts taking “Official Notice” “that the elements of above claims by applicant’s (sic) own admission are well-known and expected in the art.” (Office Action, page 3) Applicants respectfully request, per 37 C.F.R. § 1.107(b), that the Patent Examiner provide an examiner affidavit that provides citations to prove the asserted level of skill in the art. *In re Sun*, 1993 U.S.App.Lexis 34020 at *12-13 (Fed. Cir. December 23, 1993).

However, that which Applicants submitted is the best evidence of that which Applicants admitted. Applicants did not admit that all the elements of their claimed inventions are well known. Importantly, Applicants most certainly did not admit that these elements, arranged as in the claims are well known.

On page 9, Applicants explained that “One of ordinary skill in the art would readily and rapidly understand that these tables – summary, authority, and taxonomy – may be related by one or more common fields. (emphasis added)” On page 11, Applicants explained that “These numerous, equivalent parsing methods were old art and readily familiar to those of ordinary skill in the art at the time of this filing. (emphasis added)” On page 12, Applicants explained that “Therefore, a person of ordinary skill in the art would have known of numerous, equivalent data communications techniques, implementable in software, to receive a data stream.” On page 13, Applicants explained that “Software, as is old in the art, may be used to analyze (examine) data files.” On page 16, Applicants explained that “Software, as is old in the art, may be used to analyze (examine) data files or parse the string and tokenize the string, as discussed above.”

Thus, Applicants never “admitted” or even suggested that the inventions claimed in claims 12-14 and 16-20 were well-known or expected in the art.

E. Rejections under 35 U.S.C. §102

The Patent Examiner again rejected claims 1 and 4-11 under 35 U.S.C. §102(e) in view of Chakrabarti. Applicants respectfully traverse.

“Anticipation under 35 U.S.C. § 102 means lack of novelty, and is a question of fact. To anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim.” *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1383 (Fed. Cir. 2001) (emphasis added).

Applicants incorporate their prior response by reference and respectfully argue that Charabarti is not a §102(e) reference. Charabarti does not disclose an authority table comprising raw data. Instead, Chakrabarti discloses “database 18 can include plural tables 22 that in turn include information related to Web documents (emphasis added).” Information related to a Web document is (1) not that document or its contents at all but only something related to that document and (2) not an “authority,” as used in the present inventions and as claimed in claim 1, i.e. Chakrabarti does not disclose raw data further comprising at least one of text, graphics, audio, or video contained in at least one of a document, an image, a reference to a document, or a references to an image.

Chakrabarti’s test document table is not a summary table containing user created data (a “summary”), each of whose elements (“summaries”) is linked to at least one element (category) in a user taxonomy table as well as to a single element (authority) in the authority table. Chakrabarti’s test document table is not disclosed as being manageable by a user.

Importantly, in Chakrabarti computer software, not users, define the taxonomy table entries (the data). Chakrabarti fails to disclose any software that allows a user to manipulate the tables, especially the taxonomy table or the summary table. Chakrabarti teaches away from user

involvement by teaching that “supervised learning” can be used, “wherein a few training documents initially are assigned to the various nodes of a taxonomy and subsequent documents are then classified [by his disclosed software] based on comparisons with the training documents.”

Accordingly, Chakrabarti fails to disclose each and every element of Claim 1, arranged as in Claim 1.

With respect to Claim 4, Claim 4 depends from Claim 1 which is distinguishable over Chakrabarti. Because Claim 4 depends from an otherwise allowable claim, Claim 4 is itself allowable.

With respect to Claim 5, Claim 5 depends from Claim 1 which is distinguishable over Chakrabarti. Because Claim 5 depends from an otherwise allowable claim, Claim 5 is itself allowable. Moreover, Chakrabarti does not specifically disclose raw data, as claimed in claim 1, where the raw data further comprise descriptions of legal data, medical data, educational data, manufacturing data, scientific data, repair data, audiovisual data, and entertainment data. The most that Chakrabarti discloses is that there may be documents and databases accessible via the Internet that contain text documents, audio, and video, but these “raw” files are not included in its “plural tables.”

With respect to Claim 6, Claim 6 depends from Claim 1 which is distinguishable over Chakrabarti. Because Claim 6 depends from an otherwise allowable claim, Claim 6 is itself allowable. There is no callout 18 in Figure 1.

With respect to Claim 7, Claim 7 depends from Claim 1 which is distinguishable over Chakrabarti. Because Claim 7 depends from an otherwise allowable claim, Claim 7 is itself allowable.

With respect to Claim 8, Claim 8 depends from Claim 1 which is distinguishable over Chakrabarti. Because Claim 8 depends from an otherwise allowable claim, Claim 8 is itself allowable.

With respect to Claim 9, Claim 9 depends from Claim 1 which is distinguishable over Chakrabarti. Because Claim 9 depends from an otherwise allowable claim, Claim 9 is itself allowable. Moreover, Chakrabarti does not disclose use of Internet browsing software executable at the user computer.

With respect to Claim 10, Claim 10 depends from Claim 1 which is distinguishable over Chakrabarti. Because Claim 10 depends from an otherwise allowable claim, Claim 10 is itself allowable. Moreover, there is no disclosure of a user being allowed to submit a query to the query software via the Internet. The only query mentioned by Chakrabarti is "The first query at the root node is identical to the query preceding the left outer join shown above. However, rather than completely finish taxonomy traversal before classifying another document, the present invention processes entire taxonomy nodes at a time with plural documents." This query is the result of his software and most definitely not a user submitting a query via the Internet.

With respect to Claim 11, Claim 11 depends from Claim 1 which is distinguishable over Chakrabarti. Because Claim 11 depends from an otherwise allowable claim, Claim 11 is itself allowable. Moreover, there is simply no disclosure within Chakrabarti of any type of user interface. Chakrabarti does not disclose users interfacing to its system or using its methods, all of which are processed without human intervention.

Accordingly, Chakrabarti does not function as an anticipatory reference under 35 U.S.C. §102(e) of claims 1 and 4-11.

F. Rejections under 35 U.S.C. §103

The Patent Examiner rejected claim 2 under 35 U.S.C. §103(a) over Chakrabarti in view of Price and Claim 3 over Chakrabarti alone. Applicants respectfully traverse.

As a preliminary matter, Applicants respectfully state that they have jointly and commonly owned the inventions claimed herein since at least the application date.

Obviousness is ultimately a conclusion of law based on underlying findings of fact. *Graham v. John Deere Co.*, 383 U.S. 1 (1966). These underlying factual findings include: (1) the scope and content of the prior art; (2) the level of ordinary skill in the art; (3) the differences between the claimed invention and the prior art; and (4) the extent of any proffered objective indicia of non-obviousness. *Id.* at 17-18. When patentability turns on the question of obviousness, the search for and analysis of the prior art includes evidence relevant to the finding of whether there is a teaching, motivation, or suggestion to select and combine the references relied on as evidence of obviousness. *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52 (Fed. Cir. 2001) (“the central question is whether there is reason to combine [the] references,” a question of fact drawing on the Graham factors). “The factual inquiry whether to combine references must be thorough and searching.” *Id.*; *Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1124-25 (Fed. Cir. 2000) (“a showing of a suggestion, teaching, or motivation to combine the prior art references is an ‘essential component of an obviousness holding’”) (quoting *C.R. Bard, Inc. v. M3 Systems, Inc.*, 157 F.3d 1340, 1352 (Fed. Cir. 1998)); *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999) (“Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references.”); *In re Dance*, 160 F.3d 1339, 1343 (Fed. Cir. 1998) (there must be some

motivation, suggestion, or teaching of the desirability of making the specific combination that was made by the applicant); *In re Fine*, 837 F.2d 1071, 1075 (Fed. Cir. 1988) (teachings of references can be combined only if there is some suggestion or incentive to do so.)

Applicants again respectfully reassert their objections from their prior office action response, incorporated herein by reference.

With respect to Claim 2, Chakrabarti does not disclose that which is claimed in Claim 1. Therefore, even the combination of these two references, to which Applicants respectfully do not acquiesce for reasons explained before, does not disclose a system for organization of information, comprising (a) a server comprising a searchable authority table or (b) a user computer further comprising at least one user definable, user manipulatable taxonomy table, (c) at least one user manageable searchable summary table that is related to the authority table and the user taxonomy table, and (d) software executable in the user computer to provide access to and manipulation of the taxonomy table and the summary table.

With respect to Claim 3, Chakrabarti, as discussed herein above, does not disclose the limitations of Claim 1. With respect to management of the summarization table that comprises creating, modifying, and deleting elements of the summary table and associating elements of the summary table with at least one element of the user taxonomy table, such management as claimed in claim 3 would be by the user. (See Claim 1(c)(i)(3)) As discussed above, Chakrabarti does not even suggest user manipulation and teaches away from user manipulation by teaching an automated system. The summary table does not contain stored results obtained from a data gathering step. (Office Action page 8) Instead, the summary table comprises user created data. (Claim 1(c)(ii)(2))

G. Other Rejections

The Patent Examiner rejected claims 12-14 and 15-20 for failing to comply with §112 ¶1. The Patent Examiner further rejected claims 2-11 and 13-20 as being dependent from a rejected base claim.

With respect to claim 12, the Patent Examiner asserts that one of ordinary skill in the arts would not be able to determine “what applicant (sic) ‘thinks’ is appropriate.” (Page 11) Claim 12 has been amended to claim associating a taxonomy element. No new matter was added as support for this claim is found within the specification as noted above.

With respect to the Patent Examiner’s assertion that “parsing” and “keywords” are not clear (Office Action, pages 11-12), Applicants reassert their arguments from their first office action response. However, as traversed above, all these claims are either themselves independently allowable or depend from an otherwise allowable claim and are therefore allowable themselves.

H. Response to the Patent Examiner’s Comments

The Patent Examiner states that the specification is unclear because the purpose of the summary table is confusing. The Patent Examiner is respectfully directed to the following paragraphs in the specification:

23 (“database 22 may comprise user manipulatable data, referred to herein as “summary” data, typically in summary table 12a”);

44 (“User summary table 12b may be part of user portion 300 and contains an element for each item of information the user desires to link to at least one element in user taxonomy table 12a. In the currently preferred embodiment, each element in user summary table 12b, sometimes referred to herein as a “summary,” must be linked to at least one element in user taxonomy 12a as well as to a single element in authority table 22a in backend portion 200.”);

44 (“One currently envisioned method of relating user summary table 12b to authority table 22a is to use an intermediate table such as user knowledge table

12e which relates one element in authority table 22a to one element in user summary table 12b, although one-to-many relationships may be defined in this or other manners as well.”);

46 (“summaries captured such as in user summary table 12b may be used in conjunction with user question/FAQ table 12c and taxonomy table 12a to create a user-based cylopedia or reference work.”);

53 (“By way of example and not limitation, the user may retrieve the previously entered element from authority table 12a, view the raw data associated with that element, highlight or mark a section of the raw data to be captured, and signal a desire to capture the highlighted or marked section as a summary. This may be accomplished, by way of example and not limitation, by using a mouse to highlight the section and then using a right-button click of the mouse to bring up a menu that has an entry to allow capture. In this manner, for example, a capture function could additionally capture the reference parameters such as word offset information for captured text data. The user may additionally associate the captured summary with one or more elements in taxonomy table 12a. Optionally, the user may create new elements in user taxonomy table 12a for use with the summary. The user may additionally edit the summary data captured and/or replace or augment all or a portion of the summary with whatever the user wishes, by way of example and not limitation including audio augmentation, video augmentation, and the like.”);

55 (“Accordingly, the user can synopsise or summarize the raw data into information relevant to that user. In an additionally envisioned embodiment, an automatic summary option may be present to synopsise or suggest a synopsis of an authority or a portion of an authority. Further, a user may use form 400 to search for authorities and their summaries.”); and

Fig. 4.

Fig. 4 shows an entry screen form in which a user creates in a summary in dialog box 420. Importantly, in describing Fig. 4, paragraph [0055] describes exemplary summary creation processes:

Accordingly, the user can synopsise or summarize the raw data into information relevant to that user. In an additionally envisioned embodiment, an automatic summary option may be present to synopsise or suggest a synopsis of an authority or a portion of an authority. Further, a user may use form 400 to search for authorities and their summaries.

As can be seen from these references from the specification, the summary table contains records containing data created by a user in which the user summarizes/synopsizes what the user thinks important regarding that authority. That user-created summary record is then linked to the authority that the user was summarizing, e.g. by virtue of being part of linked tables in one or more databases. The table itself summarizes nothing: it contains records which the user created to be a summary having meaning to the user.

The Patent Examiner's comments regarding the clarity of how a record in a summary table (e.g, the summary table itself) is related to the authority table and the taxonomy table are addressed by the specification, e.g. the paragraphs cited above and the Figures, e.g. paragraph [0044].

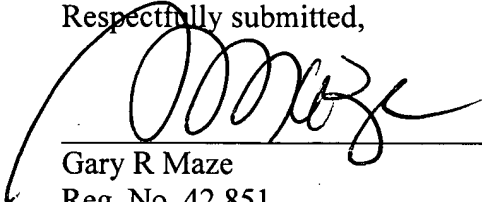
The remainder of the Patent Examiner's comments have been addressed herein or in Applicants' first office action response.

CONCLUSION

In view of the foregoing, Applicants respectfully request a Notice Of Allowance for all claims 1-20.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gary R. Maze", is written over a horizontal line.

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